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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,774	10/30/2001	Mark J. Buxton	42390P12443	6128

8791 7590 02/24/2006

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EXAMINER

RIVERO, ALEJANDRO

ART UNIT PAPER NUMBER

2684

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,774

Applicant(s)

BUXTON ET AL.

Examiner

Alejandro Rivero

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: METHOD AND APPARATUS FOR UPDATING THE CONTENT OF A MEDIA DATABASE USING HIGHER QUALITY BROADCAST SEGMENTS.
2. The specification is objected to because it does not contain a brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention. See MPEP § 608.01(d).
3. The disclosure is objected to because of the following informalities:
 - In line 6 of paragraph [0045], replace "160" with "161".
 - In line 4 of paragraph [0049], replace "160" with "360".
 - In line 6 of paragraph [0049], replace "115" with "315".
 - In line 4 of paragraph [0050], replace "selector 15, identifier 20 and modifier 25" with "selector 115, identifier 120 and modifier 125".Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 20 recites the limitation "said processor" in line 11. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, claim 20 will be interpreted as reciting "a processor" (in line 4) instead of "a processing device".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-13 and 15-30 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Logan et al. (US 6,931,451 B1).

Consider claim 1, Logan et al. disclose a method comprising: receiving a broadcast signal from a broadcast source (Column 5 lines 53-56); selecting a broadcast segment of said broadcast signal (Column 2 lines 54-60); determining if said broadcast segment contains a valid signal content for a signal database (Column 9 lines 45-51), wherein said signal database is a plurality of stored signals (Column 9 lines 45-51); and,

modifying (storing the segment) said signal database with signal information from a portion of said broadcast segment (Column 2 line 64 to column 3 line 2, column 4 lines 21-22) if said broadcast segment contains a valid signal content (Column 9 lines 45-51).

Consider claims 2 and 4, Logan et al. disclose all the limitations as applied to claim 1 above and also disclose wherein receiving a broadcast signal comprises receiving an audio signal (as in claim 2) and receiving a signal from a network (as in claim 4) (Column 6 lines 10-15).

Consider claim 5, Logan et al. disclose all the limitations as applied to claim 1 above and also disclose wherein determining if said broadcast segment contains a valid signal content includes: selecting a portion of said broadcast segment (Column 2 lines 54-60); measuring at least one signal characteristic value of said portion and comparing said signal characteristic value to a pre-determined threshold (Column 9 line 52 to column 10 line 19).

Consider claim 6, Logan et al. disclose all the limitations as applied to claim 1 above and also disclose wherein determining if said broadcast segment contains a valid signal content includes: generating a signal descriptor (attribute) for a portion of the broadcast segment (Column 4 lines 27-33); computing an equivalence value (correlation) for said signal descriptor and a descriptor in a descriptor database and comparing said equivalence value to a predetermined threshold (Column 9 line 52 to column 10 line 19).

Consider claims 10, 11, 12 and 13, Logan et al. disclose all the limitations as applied to claim 6 above and also disclose wherein computing said equivalence value

includes calculating a correlation coefficient (as in claim 10), which is a likeness coefficient (as in claim 11) by selecting/measuring a portion/characteristic of the broadcast segment as a signal descriptor (as in claims 12 and 13) (Column 9 line 52 to column 10 line19).

Consider claims 15 and 16, Logan et al. disclose all the limitations as applied to claim 13 above and also disclose wherein measuring at least one signal characteristic includes measuring a signal amplitude (as in claim 15) and a signal frequency (as in claim 16) (Column 9 lines 55-58, where Logan et al. disclose using the comparator disclosed in US patent 4,843,562 issued to Kenyon et al., Logan et al. inherently disclose measuring amplitude and frequency since the correlator of Kenyon et al. performs both measurements).

Consider claim 17, Logan et al. disclose a machine readable storage medium having stored thereon instructions to be executed by a processor (Column 6 lines 49-55), the execution of said instructions to implement a method comprising: receiving a broadcast signal from a broadcast source (Column 5 lines 53-56); selecting a broadcast segment of said broadcast signal (Column 2 lines 54-60); determining if said broadcast segment contains a valid signal content for a signal database (Column 9 lines 45-51), wherein said signal database is a plurality of stored signals (Column 9 lines 45-51); and, modifying (storing the segment) said signal database with signal information from a portion of said broadcast segment (Column 2 line 64 to column 3 line 2, column 4 lines 21-22) if said broadcast segment contains a valid signal content (Column 9 lines 45-51).

Consider claims 8 and 19, Logan et al. disclose all the limitations as applied to claims 1 and 17 and also disclose wherein modifying said signal database includes updating at least one portion of a signal in the signal database with signal information from a portion of the broadcast segment (Column 3 lines 20-43, column 10 lines 20-39).

Consider claim 20 and the 35 U.S.C. 112 (2nd paragraph) rejection above, Logan et al. disclose a system comprising: a receiver to receive a broadcast signal (Column 5 lines 53-56); a first memory coupled with said receiver to store a broadcast signal segment; a processor coupled with said first memory to process said broadcast signal (Column 2 line 64 to column 3 line 2), wherein processing comprises: selecting a broadcast segment of said broadcast signal (Column 2 lines 54-60); determining if said broadcast segment contains a valid signal content for a signal database (Column 9 lines 45-51), wherein a signal database is a plurality of stored signals (Column 9 lines 45-51); and modifying (storing the segment) said signal database with signal information from a portion of the selected broadcast segment (Column 2 line 64 to column 3 line 2, column 4 lines 21-22) if said broadcast segment contains a valid signal content (Column 9 lines 45-51); a second memory coupled with said processor to store a signal database (Column 10 lines 40-42, figure 2 element 52); and a third memory coupled with said processor to store a descriptor database (Column 9 lines 17-20, figure 2 element 64).

Consider claim 21, Logan et al. disclose all the limitations as applied to claim 20 above and also disclose a fourth memory coupled with said processor to store an identification database, wherein said identification database contains information

associated with a signal in the signal database and a descriptor in the descriptor database (Column 12 lines 15-22, figure 3 element 80).

Consider claims 22 and 23, Logan et al. disclose all the limitations as applied to claim 20 above and also disclose wherein the first, second and third memory devices are in system memory (as in claim 22) or separate devices (as in claim 23) (Column 3 lines 16-19, where Logan et al. disclose having a local (system) database memory or remote (separate) database or a combination of both).

Consider claim 24, Logan et al. disclose an apparatus comprising: a receiver to receive a broadcast signal (Column 5 lines 53-56); a selector (data processor) to select a portion of said received broadcast signal (Column 2 lines 54-60); an identifier to identify at least one signal characteristic (attribute) of said portion (Column 4 lines 27-33, column 11 lines 3-13); a database to store signal information (Column 9 lines 17-20); and a modifier (processor) to modify (store the segment) said database with signal information from said portion (Column 6 lines 49-55, column 2 line 64 to column 3 line 2, column 4 lines 21-22).

Consider claim 25, Logan et al. disclose all the limitations as applied to claim 24 above and also disclose wherein the identifier further includes a descriptor (attribute) generator (Column 4 lines 27-33).

Consider claims 3, 9 and 26, Logan et al. disclose all the limitations as applied to claims 1 and 24 above and also disclose receiving an analog (as in claim 3) radio broadcast signal (as in claim 26) and digitizing it (as in claim 9) (Column 5 lines 53-65).

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Consider claim 27, Logan et al. disclose an apparatus comprising: a descriptor (attribute) generator to generate descriptors of signals (Column 4 lines 27-33).

Consider claims 7, 18 and 28, Logan et al. disclose all the limitations as applied to claims 1, 17 and 27 above and also disclose a modifier (processor) for modifying (storing the segment) said signal database by adding a portion of said broadcast segment to said signal database (Column 6 lines 49-55, column 2 line 64 to column 3 line 2, column 4 lines 21-22, reads on claims 7, 18 and 28).

Consider claims 29 and 30, Logan et al. disclose all the limitations as applied to claim 27 above and also disclose a selector (data processor) to select a portion of said received broadcast signal (Column 2 lines 54-60, reads on claim 30) and an identifier to identify at least one signal characteristic (attribute) of said portion (Column 4 lines 27-33, column 11 lines 3-13, reads on claim 29).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. in view of Bocci et al. (US 4,710,945).

Consider claim 14, Logan et al. disclose all the limitations as applied to claim 8 above and also disclose updating at least one portion of a signal in the signal database with signal information from a portion of said broadcast segment and storing the signal in the signal database (Column 3 lines 20-43, column 10 lines 20-39).

However, Logan et al. do not disclose averaging the signals, resulting in an average signal.

Bocci et al. disclose averaging of signals, resulting in an average signal (Column 4 line 58 to column 5 line 5).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to average a portion of said broadcast segment with a portion of a signal in the signal database resulting in an average signal in the system of Logan et al. by averaging signals as taught by Bocci et al. for the purpose of providing improved signal selection based on statistical analysis of received signals (as suggested by Bocci et al. in column 1 line 57 to column 2 line 3).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kenyon et al. (US 4,843,562) disclose a correlator for measuring amplitude and frequency of a signal.

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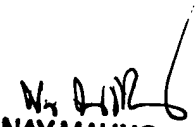
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alejandro Rivero whose telephone number is (571) 272-2839. The examiner can normally be reached M-F, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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